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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,247	11/19/2001	Yan Keung Stanley Tang	401465	8346

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EXAMINER

WARD, JOHN A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/988,247

Applicant(s)

TANG, YAN KEUNG STANLEY

Examiner

John A. Ward

Art Unit

2875

AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopper (US 5,010,454) in view of Faulk (US 5,945,806) and in view of Lemke (US 5,859,506)

Regarding claim 1, Hopper ('454) discloses a battery operated device comprising of a lighting unit 34 including a light bulb 35, located at the first casing part (figure 1), is the light bulb 35 having an operating voltage of 12 volts (column 4, lines 15-24). A battery chamber 44, located at the second casing part for receiving at least part of the locating any of the battery packs (column 3, lines 38-48), and a pair of electrical contacts (see figure 12) to make electrical connection with respective terminals of any of the battery packs located in the battery chamber (column 4, lines 15-34).

An electronic voltage regulating circuit 90 within the casing having an input and an output (figure 12), electrically connected to the electrical contacts and the light bulb respectively, and column 4, lines 15-34 teaches that the circuit regulating the battery voltage of the battery pack inside the battery chamber 44, to substantially the operating voltage.

Regarding claims 2 and 3, Hooper ('454) discloses a portable light weight battery-operated lighting device in figure 1, with a first and second casing (34, 44) with the second casing having an outer surface forming a battery chamber and lying substantially flush with any of the battery packs when located by the battery chamber (column 3, lines 31-38).

Regarding claim 4, the battery-operated lighting device wherein said casing has a lower end forming part of said battery chamber (44), said battery chamber having a bottom opening through which a part of any of the battery packs is insertable into said battery chamber, a battery pack in and protruding from said battery chamber acting as a weighted base for said battery-operated lighting device (column 3, lines 31-38).

Regarding claim 5, the battery-operated lighting device casing having an upper end (32) that supports said lighting unit (22) and a middle section being the first casing (34), including a handgrip (28).

Regarding claims 1, 6 and 7, Hopper does not teach or suggest the circuit regulating the battery voltage of the battery pack in the battery chamber to substantially the operating voltage of the light bulb, for operating the light bulb.

Regarding claim 1, Faulk ('806) teaches of an electronic voltage regulating circuit (figure 1A) regulating the battery voltage of the battery pack in the battery chamber to substantially the operating voltage of the light bulb, for operating the light bulb (column 6, lines 50-58).

Regarding claim 6, Faulk, column 3, lines 30-46, and figure 1b teaches that the voltage regulating circuit includes an integrated circuit chips CT1, CT2 producing a

substantially constant output voltage that is the operating voltage of the light bulb, irrespective of the input of the voltage supplied by the battery pack in the battery chamber.

Regarding claim 7, Faulk shows in figure 1A a voltage regulating circuit includes a feedback loop 110 connected from the output to the integrated circuit chip for indicating output voltage of the voltage regulating circuit (column 4, 26-29).

Regarding claims 8-9, Hopper in view of Faulk discloses substantially all of the claimed invention except for the operating voltages of the battery packs being substantially 9.6v, 12.0v, 13.2v, 14.4v, 15.6v, 16.8v, and 18.0v. It would have been obvious to one having ordinary skill in the art at the time the invention was made provide any of the voltages between 9.6v to 18.0v, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and in this case can depend on the operating voltage of the light bulb being used in the flashlight. ***In re Aller, 105 USPQ 233.***

Regarding claim 10, Hooper in view of Faulk discloses substantially all of the claimed invention except for the operating voltages of the battery is substantially 9.3 volts DC. It would have been obvious to one having ordinary skill in the art at the time the invention was made provide any of the voltages around 9.3 volts DC, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and in

this case can depend on the operating voltage of the light bulb being used in the flashlight. ***In re Aller, 105 USPQ 233.***

Regarding claim 1 and 6, Hooper in view of Faulk does not disclose that the regulator circuit regulate whatever battery voltage is supplied by whichever of the battery pack is in the battery, and the chamber is connected to the input of the voltage regulating circuit to substantially the fixed operating voltage o the light bulb at the output of the voltage regulating circuit.

Regarding claims 1 and 6, Lemke ('506) discloses a incandescent lamp power controller comprising a regulating circuit, regulates whatever battery voltage is supplied by whichever of the battery pack is in the battery, and the chamber is connected to the input of the voltage regulating circuit to substantially the fixed operating voltage o the light bulb at the output of the voltage regulating circuit (figure 2).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine the flashlight of Hopper with the battery charger of Faulk and the regulating circuit of Lemke in order to provide a means for the battery pack to be used in different systems which have different power bus voltages as taught by Faulk (abstract).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

The prior art of Lemke discloses a power controller with a regulating circuit that keeps the voltage to the incandescent constant with variable input voltages from

different voltages from varying output dc voltage of the battery (abstract), also the object of the invention teaches that the voltage to the lamp is constant independent of the power source voltage variation.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

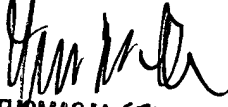
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 703-305-5157. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0596.

JAW  
October 22, 2003

John A. Ward  
Patent Examiner AU 2875

  
THOMAS M. SEMBER  
PRIMARY EXAMINER